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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/211,268	12/14/1998	JUNJI KOBAYASHI	B208-1002	7286

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NEW YORK, NY 10017

EXAMINER

GENCO, BRIAN C

ART UNIT	PAPER NUMBER
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2615

19

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/211,268

Applicant(s)

KOBAYASHI ET AL.

Examiner

Brian C Genco

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) 13-20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 and 21 is/are allowed.
- 6) ☒ Claim(s) 26-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Applicant's amendment filed June 2, 2004 has been fully considered by the Examiner but is not deemed persuasive.

Applicant's amendment has overcome the grounds of rejection previously presented, as such, new grounds of rejection are presented below.

Allowable Subject Matter

Claims 1-12 and 21 are allowable over the prior art of record. See reasons for allowance for claims 1-12 in Paper No. 12.

Claim 21 is allowable as presently containing the limitations deemed allowable for claim 22 of Paper No. 16.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by (USPN 6,067,116 to Yamano et al.).

In regards to claim 26 Yamano discloses an image pickup apparatus including a lens portion for converging an object image comprising:

a display part including a display face for displaying a picked-up image (e.g., element 122 of Fig. 2);

a body including a first operation face having a first operation member for reproducing the picked-up image on said display face, wherein said operating member is operated by an operator who uses said image pickup apparatus (e.g., the camera body depicted in Fig. 2 wherein the first operation face is the face comprising elements 213-215 and the first operation member is element 213-215);

a moving member for moving said display part to a first position in which the first operation face of said body is covered by said display part, and a second position in which said first operation face is not covered by said display part and is exposed outside (e.g., hinge element 203 of Fig. 2 is the moving member wherein the display part can be moved as shown in Fig. 9);

wherein when said display part is in the first position, a major-side direction of said display part substantially coincides with a major-side direction of said body, and said display part is in the second position when said display part moved toward an upper side in said first operation face (e.g., see Figs. 2 and 9).

In regards to claim 27 Yamano discloses an image pickup apparatus according to claim 26, further comprising:

a second operation member located on a second operation face of said body wherein said second operation member is used when picking up image, and said second operation face adjoins

said first operation face and is exposed outside regardless of the position of said display part (e.g., shutter button element 212 of Fig. 2).

In regards to claim 28 Yamano discloses an image pickup apparatus according to claim 27, wherein said moving member has a structure that rotates said display part around a shaft facing a minor-side direction of said first operation face (e.g., hinge element 203 inherently has a shaft wherein the shaft points to, or faces a minor-side direction of said first operation face).

In regards to claim 29 Yamano discloses an image pickup apparatus according to claim 26, wherein said moving member has a structure that rotates said display part around a shaft facing a minor-side direction of said first operation face (e.g., hinge element 203 inherently has a shaft wherein the shaft points to, or faces a minor-side direction of said first operation face).

Claims 26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by (USPN 5,932,429 to Kamamoto et al.).

In regards to claim 26 Kamamoto discloses an image pickup apparatus including a lens portion for converging an object image comprising:

a display part including a display face for displaying a picked-up image (e.g., element 7 of Fig. 2);

a body including a first operation face having a first operation member for reproducing the picked-up image on said display face, wherein said operating member is operated by an operator who uses said image pickup apparatus (e.g., the camera body depicted in Fig. 2 wherein the first operation face is the face depicted in Fig. 5 and the first operation member is elements 28-41);

a moving member for moving said display part to a first position in which the first operation face of said body is covered by said display part, and a second position in which said first operation face is not covered by said display part and is exposed outside (e.g., opening/closing device element 12 of Fig. 2 is the moving member wherein the display part can be moved as shown in Figs. 2-5);

wherein when said display part is in the first position, a major-side direction of said display part substantially coincides with a major-side direction of said body, and said display part is in the second position when said display part moved toward an upper side in said first operation face (e.g., see Figs. 2-5 wherein as shown in Fig. 5 when said display part is move toward an upper side face in said first operation face, namely rotated upward, the display is in the second position, namely the operation face is not covered).

In regards to claim 27 Yamano discloses an image pickup apparatus according to claim 26, further comprising:

a second operation member located on a second operation face of said body wherein said second operation member is used when picking up image, and said second operation face adjoins said first operation face and is exposed outside regardless of the position of said display part (e.g., zoom control buttons 10 depicted in Fig. 1).

In regards to claim 28 Yamano discloses an image pickup apparatus according to claim 27, wherein said moving member has a structure that rotates said display part around a shaft facing a minor-side direction of said first operation face (e.g., opening/closing device element 12 of Fig. 2 faces a minor-side direction of said first operation face).

In regards to claim 29 Yamano discloses an image pickup apparatus according to claim 26, wherein said moving member has a structure that rotates said display part around a shaft facing a minor-side direction of said first operation face (e.g., opening/closing device element 12 of Fig. 2 faces a minor-side direction of said first operation face).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:30am to 4:30 pm.

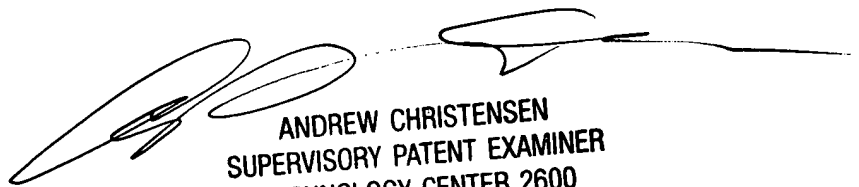
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian C Genco
Examiner
Art Unit 2615

June 24, 2004



ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
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